IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.1010 OF 2002

Atash Trading ...Petitioners

Versus

Shree Marathwada Paper Mills Pvt.Ltd...Respondents

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Ms.Nandinee Mayekar i/b Little & Co.for Petitioners.

Ms.Poornima Bhatia for Respondents.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 17, 2007.

P.C.

1. Counsel for the Respondents has placed on record copy of the order dated 29th November 2006 passed by the B.I.F.R. which indicates that the Respondent Company has already been declared sick. In that case, nothing survives for consideration in the present Petition. Counsel for the Petitioner submits that she has no instructions in the matter. However, there is no reason to doubt the correctness of the stand taken on behalf of the Respondents, which is supported by document

tendered across the bar, which is taken on record and marked ‘X’.

2. In the circumstances, this Petition is disposed of with liberty to the Petitioners to pursue their claim in appropriate proceedings, as may be permissible by law, which will be considered on its own merits in accordance with law.

A.M.KHANWILKAR, J.